IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 25056 of 2007(G)

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PETITIONER:

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V.N.SAJINI, W/O.VISHNU NAMBOODIRI,
U.P.S.A., A.U.P.SCHOOL, PANNICODE, MUKKAM VIA,
KOZHIKODE, RESIDING AT CHERUVAKKAD ILLAM,
VAKKAYIL, P.O.PANNICODE, MUKKAM VIA, KOZHIKODE.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENTS:

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1. THE STATE OF KERALA REP.BY THE
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,
KOZHIKODE.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K. BASHEER, J.**

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**W.P.(C). NO. 25056 OF 2007**

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Dated this the 17th day of August, 2007

**J U D G M E N T**

Petitioner claims that she was selected for attending the B.Ed degree course under the departmental quota. She was granted Half Pay Leave of 180 days from June 5, 2003 till December 1, 2003 and Leave Without Allowance for 121 days from December 2, 2003 till March 31, 2004, under Rule 82 and 88 of Part I KSR. While granting leave, it was made clear that period of leave without allowance would not be counted for any service benefits including pension. Ext.P2 is stated to be the order passed by the Government in this regard. Petitioner takes exception to the above restrictive clause contained in Ext.P2 order.

2. It is submitted by the learned counsel that the issue is squarely covered in favour of the petitioner in view of the judgments passed by this Court in Exts. P9 and P10. Learned counsel contends that petitioner is entitled to get the benefit in terms of Ext.P9 and P10 judgments. It will be open to the petitioner to make a representation in this regard.

3. In the event of the petitioner making such a representation, within one month from today, respondent No.1 shall consider the said request in the light of Ext. P9 and P10 judgments. It is made clear that I have not considered the merit of any of the contentions raised by the petitioner. It will be open to respondent No.1 to take a decision in the matter strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment. Needless to mention that petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent No.1 for compliance.

The writ petition is disposed of as above.

**A.K. BASHEER, JUDGE**

vps

**A.K. BASHEER, JUDGE**

**OP NO.20954/00**

**JUDGMENT**

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**1ST MARCH, 2007**